

Weekly Chesapeake Bay Managers Call Agenda
October 16, 2018 3:30-4:30

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Conference Line/Code / Ex. 6

2018_10_16 Weekly CB Managers Agenda.docx

I. Agenda

i. Update on Conowingo/Exelon litigation- K. Gable

On October 9, 2018, the Circuit Court for Baltimore City dismissed the complaint filed by Exelon challenging MDE's CWA Section 401 certification for the Conowingo Dam and Hydro Power facility. The court found that Exelon's challenge was premature, as Exelon had not yet exhausted its administrative remedies provided by state law and had not yet received a final decision from that administrative process. The court also found that Exelon had no property right or property interest in the FERC license for the project. Maryland rules typically require appeals to be filed within 30 days. Exelon's motion for reconsideration is pending with MDE and its federal court complaint is pending with the District Court for the District of Maryland.

Deliberative Process / Ex. 5

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